

Amendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

CLAIMS:

- 1 (currently amended) A tamper evident assembly for use with a fluid dispensing container for flowable material, the assembly comprising:
 - an annular flange for attachment to a container,
 - a spout projecting upwardly from the flange and having an upper end and a lower end, the spout defining a dispensing passage therethrough and having at least one external annular rib; and
 - a cap having a top with an external depending skirt and a frangible tamper indicating band releasably attached to the skirt, the cap further including an internal skirt depending from the top and spaced inwardly from the external skirt and operable to be received within the fluid passage to provide a seal between the cap and the spout;
- the assembly having a first pre-cap position in which the cap is received on the upper end of the spout with the tamper frangible indicating band abutting the external annular rib and the internal skirt being received within the passage and providing a seal therebetween, and a second full cap position in which the cap is located on the lower end of the spout with the external annular rib located between the external skirt and the tamper indicating band and the upper end of the spout located adjacent the top of the cap, the internal skirt being received within the passage and providing a seal therebetween and
- wherein the cap and spout having cooperating detent and locking elements to allow the assembly, when secured to a container to move from a first pre-cap position where the cap is removably sealed to the spout and the tamper evident band is not broken when the cap is removed for filling, to a second full cap position when the cap is removably sealed to the spout providing that the

tamper evident band is broken upon removal of the cap from its second full cap position to dispense flowable material from the container.

2. (currently amended) A tamper evident assembly of claim 1 for use with a fluid dispensing container for flowable material, the assembly comprising:

an annular flange for attachment to a container,

a spout projecting upwardly from the flange and having an upper end and a lower end, the spout defining a dispensing passage therethrough; and

a cap sized to be received on the spout and having a tamper indicating band releasably attached thereto,

the assembly having a first pre-cap position in which the cap and the tamper indicating band are received on the upper end of the spout and a seal is provided between the cap and the spout and ~~from which~~ when the cap is removed from the spout the frangible tamper indicating band remains attached to the cap, and a second full cap position in which the cap and the tamper indicating band are located adjacent the lower end of the spout and a seal is provided between the cap and the spout and from which when the cap is removed the tamper indicating band detaches from the cap and remains on the spout, thereby providing evidence of tampering.

3. (currently amended) A tamper evident closure and dispensing assembly for use with a container for flowable material, the closure comprising a cap and a spout secured to the container, the cap having a frangible tamper evident band associated with it, the cap having an annular recess for frictionally engaging a top portion of the spout, the cap and spout having cooperating detent and locking elements to allow the assembly, when secured to a container to move from a first pre-cap position where the cap is removably sealed to the spout and the tamper evident band is not broken when the cap is removed for filling, to a second full cap position when the cap is removably sealed to the spout and the tamper evident band is broken upon removal of the cap to dispense flowable material.

4. (currently amended) A tamper evident closure and dispensing assembly according to claim 3, wherein the cap includes an internal skirt depending from a top portion of the cap and spaced inwardly from the cap sidewall, the frangible tamper evident band depends from the lower edge of the cap sidewall and the area between the sidewall and the internal skirt forms the annular recess in the cap and includes a lower and an upper detent that determine the first pre-cap position and second full cap positions, respectively for the top portion of the spout that is sealingly and frictionally engaged within the annular recess of the cap when the assembly is in use.
5. (currently amended) A tamper evident closure and dispensing assembly according to claim 4, wherein the cap includes a locking ring that cooperatively engages an annular projection located on an inner edge of the tamper evident band in the first pre-cap position and in the second full cap position the annular projection located on an inner edge of the tamper evident band is engaged beneath the locking ring, whereby in the first pre-cap position the frangible tamper evident band is not broken upon removal of the cap, but in the second full cap position, the frangible tamper evident band must be broken to remove the cap.